

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
 Lewis J. Thorney, Meleisha  
 Thorney and Milton Thorney  
 Plaintiff,  
 -----x

- against - :  
 -----x

Vincent J. D'Elia, Esq.  
 Thomas M. McCarthy, Esq.  
 Anthony P. Bufano, Esq.  
 Defendants).  
 D'Elia & McCarthy, a partnership  
 -----x

U.S. DISTRICT COURT DOCUMENT	ELECTRONICALLY FILED
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## SCHEDULING ORDER

05 Civ. 1970 (SAS)  
 Conference Date:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on March 16, 2005 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;  
 March 28, 2005 Andrew Lauroott Bluestone for Plaintiff, Fitch, King & Gaffettzu, by Richard C. King for defendant.
- (2) a concise statement of the issues as they then appear;  
 Defendants represented plaintiff in a personal injury matter in Bronx County. Plaintiff alleges that the summons and complaint filed too late, and service never made on underlying defendants.
- (3) a schedule including:
  - (a) the names of persons to be deposed and a schedule of planned depositions;  
 Both Parties' attorneys.  
 No depositions by defendant or plaintiffs.
  - (b) a schedule for the production of documents;  
 Defendant to provide entire underlying legal file by 4/10/05.  
 Defendant does not seek any documents from plaintiff.
  - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;  
 EXPERTS ON attorney malpractice to be named by 6/1/05.  
 EXPERTS to be deposed by 7/15/05
  - (d) time when discovery is to be completed;

(e) the date by which plaintiff will supply its pre-trial order matters to defendant; 7/29/05(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and 8/26/05

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

Aug 2 at 4:30

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any; *Attorney malpractice in situations in which no summons and complaint filed or served within CPLR limits.*(7) anticipated length of trial and whether to court or jury; *2-3 days*

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

SO ORDERED:

SHIRA A. SCHEINDLIN  
U.S.D.J.3/28/05


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